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OFFICE OF PETITIONS

In re Application of :
Lynn A. Buckner :
Application No. 10/810,908 : ON PETITION
Filed: March 29, 2004 :
Title: Vacuum Excavation Suction :
Hose Attachment

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed November 27, 2007. This Office action set a shortened statutory period for reply of three months. Applicant filed an Amendment on March 26, 2008, made timely by obtaining a one month extension of time. However, by Advisory Action mailed July 3, 2008, the Examiner indicated that the Amendment would not be entered because it failed to place the application in condition for allowance. No further reply having been received, the application became abandoned on March 28, 2008. The Office mailed a Notice of Abandonment on July 17, 2008.

With the instant petition, petitioner paid the petition fee, filed a reply in the form of an RCE and submission (an Amendment), and made the proper statement of unintentional delay.

The matter is being forwarded to Group Art Unit 3671 for consideration of the RCE filed December 30, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions